

AMENDMENTS

This listing of claims will replace all prior versions, and listings, of claims in the application:

In the claims

1. (currently amended) A communication device comprising:

an input device that inputs digital audio data and media data other than the digital audio data to said communication device;

a transfer rate estimator which estimates transfer rate of the media data other than the digital audio data before transmission in accordance with a communication rate of a communication network;

a data amount controller which controls the amount of the digital audio data to be transmitted in accordance with the transfer rate estimated by said transfer rate estimator; and

a transmitter which transmits the digital audio data whose data amount is controlled by said data amount controller, the media data other than the digital audio data, and data amount information indicating data amount of the digital audio data controlled by said data amount controller.

2. (original) The communication device according to claim 1, further comprising an input device which input the audio data and the media data other than the audio data to said communication device.

3. (canceled)

4. (original) The communication device according to claim 1, wherein said data amount controller thins out the audio data to control its data amount.

5. (original) The communication device according to claim 1, wherein the media data other than the audio data includes MIDI data.

6-9. (canceled)

10. (currently amended) A communication method comprising the steps of:

(a) inputting digital audio data and the media data other than the digital audio data

~~(a)~~ ~~(b)~~ estimating transfer rate of the media data other than the digital audio data before transmission in accordance with a communication rate of a communication network;

~~(b)~~ (c) controlling data amount of the digital audio data to be transmitted in accordance with the estimated transfer rate; and

~~(c)~~ (d) transmitting the digital audio data whose data amount is controlled by said step (c) ~~(b)~~, the media data other than the digital audio data, and data amount information indicating data amount of the digital audio data controlled by said step (c) ~~(b)~~.

11-12 (canceled)

13. (Original) The communication method according to claim 10, wherein said step ~~(b)~~ thins out the audio data to control its data amount.

14. (original) The communication method according to claim 10, wherein the media data other than the audio includes MIDI data.

15-18. (canceled)

19. (currently amended) A recording medium storing a program which causes a computer to execute the steps of:

- (a) inputting digital audio data and media data other than the digital audio data;
- (b) estimating transfer rate of the media data other than the digital audio data before transmission in accordance with a communication rate of a communication network;
- (c) controlling data amount of the digital audio data to be transmitted in accordance with the estimated transfer rate; and
- (d) transmitting the digital audio data whose data amount is controlled by said step (c) (b), the media data other than the digital audio data, and data amount information indicating data amount of the digital audio data controlled by said step (c) (b).

20. (canceled).

21. (original) The recording medium storing the program according to claim 19, wherein said step (c) transmits data amount information indicating whether the amount of the data is controlled by said step (b), together with the audio data.

22. (original) The recording medium storing the program according to claim 19, wherein said step (b) thins out the audio data to control its data amount.

23. (original) The recording medium storing the program according to claim 19, wherein the media data other than the audio data includes MIDI data.

24-27. (canceled)

28. (currently amended) A communication device comprising:
inputting means for inputting digital audio data and media data other than the digital audio data;
transfer rate estimation means for estimating transfer rate of the media data other than the digital audio data before transmission in accordance with a communication rate of a communication network;
data amount controlling means for controlling data amount of the digital audio data to be transmitted in accordance with the transfer rate estimated by said transfer rate estimating means estimator; and

transmission means for transmitting the digital audio data whose data amount is controlled by said data amount controlling means, the media data other than the digital audio data, and data amount information indicating data amount of the digital audio data controlled by said data amount controlling means.